

## **REMARKS**

In response to the above-identified Office Action, Applicant amends the application and seeks reconsideration thereof. In this response, Applicant amends Claims 1, 14, and 23. Support for the amendment may be found, for example, at paragraphs 24 and 25 of Applicant's specification. Applicant does not cancel or add any claims. Accordingly, Claims 1-27 are pending.

### **III. Claims Rejected Under 35 U.S.C. § 102**

Claims 1-3 and 10-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,848,396 issued to Gerace ("Gerace'396"). Applicant respectfully traverses the rejection.

To anticipate a claim, the Examiner must show that a single reference teaches each of the elements of that claim. Amended Claim 1 recites a computer implemented method comprising:

“receiving a request to obtain consumer feedback on a broadcast product;  
sending at least one product description data to a plurality of clients;  
receiving a feedback data on the broadcast product from each of the  
plurality of clients transparent to the user of the clients, wherein the feedback data includes a predictive rating of the broadcast product to predict an interest level of the user in the broadcast product based on information about the user's interest in other broadcast products, and the information is stored in a memory device of each of the clients;

processing a consumer feedback summary based on the feedback data on the broadcast product.” (Emphasis Added).

Applicant submits that Gerace'396 does not disclose that the feedback data including a predictive rating of a broadcast product to predict an interest level of the user in the broadcast product based on information about the user's interest in other broadcast products. The Examiner characterizes information provided over the Internet as the broadcast product, and asserts that the disclosed hits and click-throughs are the feedback data and the disclosed cookies are the information stored in a memory device. However, there is nothing in Gerace'396 that mentions or even suggest the feedback data including a predictive rating of the broadcast product. A hit or a click-through indicates a successful completion of a transaction; it does not predict an interest level of the user in a broadcast product. The concept of including a predictive rating in the feedback data is totally absent in Gerace'396.

Moreover, Gerace'396 does not disclose “a predictive rating of the broadcast product ... based on information about the user’s interest in other broadcast products.” A cookie stored in a user’s computer does not generate a predictive rating based on information about the user’s interest in other broadcast products. Rather, the cited passage of Gerace'396 discloses that a user’s identification number may be obtained from a cookie (col. 6, lines 49-55). A user’s identification is totally unrelated to a predictive rating of a broadcast product.

Gerace'396 mentions a rating of a TV show at col. 10, line 17. However, the disclosed rating is a part of a media schedule that includes public information (e.g., rating, airing channels and time). The disclosed rating is not a feedback data based on information about the user’s interest in other broadcast products. There is also nothing in Gerace'396 that mentions that the rating is received in a manner transparent to the user of the clients, or is based on information stored in a memory device of each of the clients. Thus, for at least the foregoing reasons, Gerace'396 does not teach each of the elements of Claim 1.

In regard to Claims 2, 3, and 10-13, these claims depend from independent Claim 1 and incorporate the limitations thereof. Thus, at least for the reasons mentioned in regard to Claim 1, Gerace'396 does not teach each of the elements of these claims. Accordingly, reconsideration and withdrawal of the anticipation rejection of Claims 1-3 and 10-13 are requested.

Analogous discussion applies to Claims 14-16 and 20-27 which are rejected for the same reasons as applied to Claims 1-3 and 10-13. Accordingly, reconsideration and withdrawal of the obviousness rejection of Claims 14-16 and 20-27 are requested.

#### **IV. Claims Rejected Under 35 U.S.C. § 103**

Claims 4-9 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,991,735 issued to Gerace et al (“Gerace'735”) in view of U.S. Patent No. 5,999,908 issued to Abelow (“Abelow”). Applicant respectfully traverses the rejection.

To establish a *prima facie* case of obviousness, the Examiner must show the cited references, combined, teach or suggest each of the elements of a claim. Gerace'735 discloses similar click-throughs and cookies as mentioned in Gerace'396. Thus, for at least the reasons discussed above in regard to Claim 1, Gerace'735 does not teach or suggest the feedback data including “a predictive rating of a broadcast product to predict an interest level of the user in the

broadcast product based on information about the user's interest in other broadcast products," as recited in Claim 1.

Abelow does not cure the defects of Gerace'735 for failing to disclose a feedback data including a predictive rating. The only portion in Abelow's disclosure that mentions a rating is unrelated to "predict an interest level of the user in the broadcast product based on information about the user's interest in other broadcast products" (emphasis added). Abelow at most mentions evaluating an online information site by tracking its user's behavior on that site (e.g., the number of jumps or hits). The rating is not a prediction of the user's interest level and is not based on information about the user's interest in other products or sites. Thus, Gerace'735 in view of Abelow does not teach or suggest each of the elements of Claim 1.

Claims 4-9 depend from independent Claim 1 and incorporate the limitations thereof. Thus, at least for the reasons mentioned in regard to Claim 1, Gerace'735 in view of Abelow does not teach or suggest each of the elements of Claims 4-9.

Accordingly, reconsideration and withdrawal of the obviousness rejection of Claims 4-9 are requested.

Analogous discussion applies to Claims 17-19 which are rejected for the same reasons as applied to Claims 4-9. Accordingly, reconsideration and withdrawal of the obviousness rejection of Claims 17-19 are requested.

**CONCLUSION**

In view of the foregoing, it is believed that all claims now pending, namely Claims 1-27 patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

Respectfully submitted,

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